

**FILED**  
**SEP 29 2023**  
CLERK U.S. BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY: *[Signature]* Deputy Clerk

- This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

4. When serving a response to the motion, serve a copy of it upon the Movant's attorney (or upon Movant, if the motion was filed by an unrepresented individual) at the address set forth above.
5. If you fail to timely file and serve a written response to the motion, or fail to appear at the hearing, the court may deem such failure as consent to granting of the motion.
6. ☒ This motion is being heard on REGULAR NOTICE pursuant to LBR 9013-1(d). If you wish to oppose this motion, you must file and serve a written response to this motion no later than 14 days before the hearing and appear at the hearing.
7. ☐ This motion is being heard on SHORTENED NOTICE pursuant to LBR 9075-1(b). If you wish to oppose this motion, you must file and serve a response no later than (date) \_\_\_\_\_ and (time) \_\_\_\_\_; and, you may appear at the hearing.
- a. ☐ An application for order setting hearing on shortened notice was not required (according to the calendaring procedures of the assigned judge).
- b. ☐ An application for order setting hearing on shortened notice was filed and was granted by the court and such motion and order have been or are being served upon the Debtor and upon the trustee (if any).
- c. ☐ An application for order setting hearing on shortened notice was filed and remains pending. After the court rules on that application, you will be served with another notice or an order that specifies the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion.

Date: 9/27/2023

\_\_\_\_\_  
Printed name of law firm (if applicable)

Deborah L. Goodman

\_\_\_\_\_  
Printed name of individual Movant or attorney for Movant

  
\_\_\_\_\_  
Signature of individual Movant or attorney for Movant

## MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS TO NONBANKRUPTCY ACTION

1. **In the Nonbankruptcy Action, Movant is:**

- a. ☒ Plaintiff
- b. ☐ Defendant
- c. ☐ Other (*specify*):

2. **The Nonbankruptcy Action:** There is a pending lawsuit or administrative proceeding (Nonbankruptcy Action) involving the Debtor or the Debtor's bankruptcy estate:

- a. *Name of Nonbankruptcy Action:* State of California v. California Interstate Express, LTD et al
- b. *Docket number:* 23CV032255
- c. *Nonbankruptcy forum where Nonbankruptcy Action is pending:*  
Superior Court of California, County of Alameda
- d. *Causes of action or claims for relief (Claims):*  
Negligence; Negligence - Vicarious Liability; Damage to Highway

3. **Bankruptcy Case History:**

- a. ☒ A voluntary ☐ An involuntary petition under chapter ☒ 7 ☐ 11 ☐ 12 ☐ 13  
was filed on (*date*) \_\_\_\_\_.
- b. ☐ An order to convert this case to chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13  
was entered on (*date*) \_\_\_\_\_.
- c. ☐ A plan was confirmed on (*date*) \_\_\_\_\_.

4. **Grounds for Relief from Stay:** Pursuant to 11 U.S.C. § 362(d)(1), cause exists to grant Movant relief from stay to proceed with the Nonbankruptcy Action to final judgment in the nonbankruptcy forum for the following reasons:

- a. ☒ Movant seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate.
- b. ☒ Movant seeks recovery primarily from third parties and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.
- c. ☐ Mandatory abstention applies under 28 U.S.C. § 1334(c)(2), and Movant agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.
- d. ☐ The Claims are nondischargeable in nature and can be most expeditiously resolved in the nonbankruptcy forum.
- e. ☐ The Claims arise under nonbankruptcy law and can be most expeditiously resolved in the nonbankruptcy forum.

- f. ☒ The bankruptcy case was filed in bad faith.
- (1) ☒ Movant is the only creditor, or one of very few creditors, listed or scheduled in the Debtor's case commencement documents.
- (2) ☒ The timing of the filing of the bankruptcy petition indicates that it was intended to delay or interfere with the Nonbankruptcy Action.
- (3) ☐ Multiple bankruptcy cases affect the Nonbankruptcy Action.
- (4) ☐ The Debtor filed only a few case commencement documents. No schedules or statement of financial affairs (or chapter 13 plan, if appropriate) has been filed.
- g. ☐ Other (*specify*):

5. **Grounds for Annulment of Stay.** Movant took postpetition actions against the Debtor.

- a. ☐ The actions were taken before Movant knew that the bankruptcy case had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.
- b. ☐ Although Movant knew the bankruptcy case was filed, Movant previously obtained relief from stay to proceed in the Nonbankruptcy Action in prior bankruptcy cases affecting the Nonbankruptcy Action as set forth in Exhibit. \_\_\_\_\_.
- c. ☐ Other (*specify*):

6. **Evidence in Support of Motion:** (*Important Note: declaration(s) in support of the Motion MUST be signed under penalty of perjury and attached to this motion.*)

- a. ☒ The DECLARATION RE ACTION IN NONBANKRUPTCY FORUM on page 6.
- b. ☐ Supplemental declaration(s).
- c. ☒ The statements made by Debtor under penalty of perjury concerning Movant's claims as set forth in Debtor's case commencement documents. Authenticated copies of the relevant portions of the Debtor's case commencement documents are attached as Exhibit. A.
- d. ☒ Other evidence (*specify*):  
The transcript of the 341 meeting (Exh. B); Proof of Service of Summons in the state court action (Exh. C); state court complaint (Exh. D).

7. ☐ An optional Memorandum of Points and Authorities is attached to this Motion.

**Movant requests the following relief:**

1. Relief from the stay pursuant to 11 U.S.C. § 362(d)(1).
2. ☒ Movant may proceed under applicable nonbankruptcy law to enforce its remedies to proceed to final judgment in the nonbankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or property of the Debtor's bankruptcy estate.
3. ☐ The stay is annulled retroactively to the bankruptcy petition date. Any postpetition acts taken by Movant in the Nonbankruptcy Action shall not constitute a violation of the stay.

4. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified, or annulled as to the co-debtor, on the same terms and condition as to the Debtor.
5. ☒ The 14-day stay prescribed by FRBP 4001(a)(3) is waived.
6. ☒ The order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Nonbankruptcy Action.
7. ☒ The order is binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice
8. ☐ Other relief requested.

Date: 9/27/2023

\_\_\_\_\_  
Printed name of law firm (if applicable)

Deborah L. Goodman

\_\_\_\_\_  
Printed name of individual Movant or attorney for Movant

  
\_\_\_\_\_  
Signature of individual Movant or attorney for Movant

### DECLARATION RE ACTION IN NONBANKRUPTCY FORUM

I, (name of Declarant) Deborah L. Goodman, declare as follows:

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding (Nonbankruptcy Action) because:

- ☐ I am the Movant.
- ☒ I am Movant's attorney of record in the Nonbankruptcy Action.
- ☐ I am employed by Movant as (title and capacity):
- ☐ Other (specify):

2. I am one of the custodians of the books, records and files of Movant as to those books, records and files that pertain to the Nonbankruptcy Action. I have personally worked on books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant, which were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant's business at or near the time of the acts, conditions or events to which they relate. Any such document was prepared in the ordinary course of business of Movant by a person who had personal knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the court if required.

3. In the Nonbankruptcy Action, Movant is:

- ☒ Plaintiff
- ☐ Defendant
- ☐ Other (specify):

4. The Nonbankruptcy Action is pending as:

- a. Name of Nonbankruptcy Action: State of California v. California Interstate Express, LTD.
- b. Docket number: 23CV032255
- c. Nonbankruptcy court or agency where Nonbankruptcy Action is pending:  
Superior Court of California, County of Alameda

5. **Procedural Status of Nonbankruptcy Action:**

- a. The Claims are:  
Negligence, Negligence - Vicarious Liability, Damage to Highway
- b. True and correct copies of the documents filed in the Nonbankruptcy Action are attached as Exhibit D.
- c. The Nonbankruptcy Action was filed on (date) 05/01/2023.
- d. Trial or hearing began/is scheduled to begin on (date) \_\_\_\_\_.
- e. The trial or hearing is estimated to require 5 days (specify).
- f. Other plaintiffs in the Nonbankruptcy Action are (specify):  
N/A

g. Other defendants in the Nonbankruptcy Action are (*specify*):

California Interstate Express, LTD.

6. Grounds for relief from stay:

a. ☒ Movant seeks recovery primarily from third parties and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or the Debtor's bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.

b. ☐ Mandatory abstention applies under 28 U.S.C. § 1334(c)(2), and Movant agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or the Debtor's bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.

c. ☒ Movant seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate. The insurance carrier and policy number are (*specify*):

Scottsdale Indemnity Company, Policy No. LFI0001047, and any other applicable policies yet to be discovered.

d. ☐ The Nonbankruptcy Action can be tried more expeditiously in the nonbankruptcy forum.

(1) ☐ It is currently set for trial on (*date*) \_\_\_\_\_.

(2) ☐ It is in advanced stages of discovery and Movant believes that it will be set for trial by (*date*) \_\_\_\_\_. The basis for this belief is (*specify*):

(3) ☐ The Nonbankruptcy Action involves non-debtor parties and a single trial in the nonbankruptcy forum is the most efficient use of judicial resources.

e. ☒ The bankruptcy case was filed in bad faith specifically to delay or interfere with the prosecution of the Nonbankruptcy Action.

(1) ☒ Movant is the only creditor, or one of very few creditors, listed or scheduled in the Debtor's case commencement documents.

(2) ☒ The timing of the filing of the bankruptcy petition indicates it was intended to delay or interfere with the Nonbankruptcy Action based upon the following facts (*specify*):

Complaint was filed May 1, 2023, to recover for damage occurring in June 2020. Debtor did not file his petition until after he was served with the state court complaint. At the meeting of creditors, Debtor admitted to liability for the state court action (Exh. B., 6:15-20), and that that the only reason he filed this petition was because he did not want to pay damages beyond policy limits (Exh. B, 8:9-10).

(3) ☐ Multiple bankruptcy cases affecting the Property include:

(A) Case name:

Case number:

Chapter:

Date filed:

Date discharged:

Date dismissed:

Relief from stay regarding this Nonbankruptcy Action ☐ was ☐ was not granted.

(B) Case name:  
Case number: Chapter:  
Date filed: Date discharged: Date dismissed:  
Relief from stay regarding this Nonbankruptcy Action ☐ was ☐ was not granted.

(C) Case name:  
Case number: Chapter:  
Date filed: Date discharged: Date dismissed:  
Relief from stay regarding this Nonbankruptcy Action ☐ was ☐ was not granted.

☐ See attached continuation page for information about other bankruptcy cases affecting the Nonbankruptcy Action.

☐ See attached continuation page for additional facts establishing that this case was filed in bad faith.

f. ☐ See attached continuation page for other facts justifying relief from stay.

7. ☐ Actions taken in the Nonbankruptcy Action after the bankruptcy petition was filed are specified in the attached supplemental declaration(s).

a. ☐ These actions were taken before Movant knew the bankruptcy petition had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.


b. ☐ Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with the Nonbankruptcy Action enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit \_\_\_\_

c. ☐ For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

9/27/2023  
Date

Deborah L. Goodman  
Printed name

  
Signature



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (with supporting declarations) (ACTION IN NONBANKRUPTCY FORUM)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) 9/29/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

John D. Sarai  
Shield Law Group, APLC  
15910 Ventura Blvd., Suite 710  
Encino, CA 91436

Lynda T. Bui (TR)  
Shulman Bastian Friedman & Bui LLP  
3550 Vine Street, Suite 210  
Riverside, CA 92507

Debtor's Attorney

Bankruptcy Trustee

☐ Service information continued on attached page

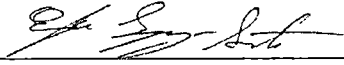
3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

9/29/2023  
Date

Emigdio Lopez-Acosta  
Printed Name

  
Signature

# EXHIBIT A

**Fill in this information to identify your case:**

Debtor 1	<b>Abel Camacho</b>		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	CENTRAL DISTRICT OF CALIFORNIA		
Case number (if known)			

☐ Check if this is an amended filing
**Official Form 106Sum****Summary of Your Assets and Liabilities and Certain Statistical Information**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

**Part 1: Summarize Your Assets**

	Your assets Value of what you own
1. <b>Schedule A/B: Property</b> (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from Schedule A/B.....	\$ 0.00
1b. Copy line 62, Total personal property, from Schedule A/B.....	\$ 13,220.00
1c. Copy line 63, Total of all property on Schedule A/B.....	\$ 13,220.00

**Part 2: Summarize Your Liabilities**

	Your liabilities Amount you owe
2. <b>Schedule D: Creditors Who Have Claims Secured by Property</b> (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i> ...	\$ 0.00
3. <b>Schedule E/F: Creditors Who Have Unsecured Claims</b> (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i> .....	\$ 0.00
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i> .....	\$ 2,145,764.00
<b>Your total liabilities</b>	\$ 2,145,764.00

**Part 3: Summarize Your Income and Expenses**

4. <b>Schedule I: Your Income</b> (Official Form 106I)	
Copy your combined monthly income from line 12 of <i>Schedule I</i> .....	\$ 4,437.85
5. <b>Schedule J: Your Expenses</b> (Official Form 106J)	
Copy your monthly expenses from line 22c of <i>Schedule J</i> .....	\$ 4,445.00

**Part 4: Answer These Questions for Administrative and Statistical Records**

## 6. Are you filing for bankruptcy under Chapters 7, 11, or 13?

☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

☒ Yes

## 7. What kind of debt do you have?

☒ Your debts are primarily consumer debts. *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.

☐ Your debts are not primarily consumer debts. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.

## Fill in this information to identify your case:

Debtor 1	<u>Abel Camacho</u>		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	<u>CENTRAL DISTRICT OF CALIFORNIA</u>		
Case number (if known)			

☐ Check if this is an amended filing

## Official Form 106E/F

## Schedule E/F: Creditors Who Have Unsecured Claims

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

**Part 1:** List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

☒ No. Go to Part 2.

☐ Yes.
**Part 2:** List All of Your NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?

☐ No. You have nothing to report in this part. Submit this form to the court with your other schedules.

☒ Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

Total claim

4.1	<b>State of California</b>	Last 4 digits of account number	<u>2255</u>	<u>\$2,135,909.00</u>
	Nonpriority Creditor's Name	When was the debt incurred?	<u>2023</u>	
	<b>CA Department of Transportation</b>			
	<b>c/o Deborah L. Goodman (SBN</b>			
	<b>276259)</b>			
	<b>PO Box 24325</b>			
	<b>Oakland, CA 94623-1325</b>			
	Number Street City State Zip Code	As of the date you file, the claim is: Check all that apply		
	Who incurred the debt? Check one.	<input type="checkbox"/> Contingent		
	<input checked="" type="checkbox"/> Debtor 1 only	<input type="checkbox"/> Unliquidated		
	<input type="checkbox"/> Debtor 2 only	<input type="checkbox"/> Disputed		
	<input type="checkbox"/> Debtor 1 and Debtor 2 only	Type of NONPRIORITY unsecured claim:		
	<input type="checkbox"/> At least one of the debtors and another	<input type="checkbox"/> Student loans		
	<input type="checkbox"/> Check if this claim is for a community debt	<input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims		
	Is the claim subject to offset?	<input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts		
	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Other. Specify <u>Civil Complaint</u>		
	<input type="checkbox"/> Yes			

Debtor 1 **Abel Camacho**

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Case number (if known)

<b>4.2</b> <b>The Home Depot/CBNA</b> Nonpriority Creditor's Name <b>PO BOX 6497</b> <b>Sioux Falls, SD 57117-6497</b> Number Street City State Zip Code Who incurred the debt? Check one. <input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Last 4 digits of account number _____ <b>\$355.00</b> When was the debt incurred? <u>2021</u> As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <u>Charge account</u>
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<b>4.3</b> <b>Wells Fargo PLL</b> Nonpriority Creditor's Name <b>PO Box 10335</b> <b>Des Moines, IA 50306</b> Number Street City State Zip Code Who incurred the debt? Check one. <input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Last 4 digits of account number _____ <b>\$9,500.00</b> When was the debt incurred? <u>2022</u> As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify <u>Loan</u>
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**Part 3: List Others to Be Notified About a Debt That You Already Listed**

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name and Address

**Alameda County Superior Court**  
**Hayward Hall of Justice**  
**24405 Amador St.**  
**Hayward, CA 94544**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line 4.1 of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

**2255****Part 4: Add the Amounts for Each Type of Unsecured Claim**

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

Total claims from Part 1 6a. Domestic support obligations 6b. Taxes and certain other debts you owe the government 6c. Claims for death or personal injury while you were intoxicated 6d. Other. Add all other priority unsecured claims. Write that amount here. 6e. Total Priority. Add lines 6a through 6d.	Total Claim 6a. \$ <u>0.00</u> 6b. \$ <u>0.00</u> 6c. \$ <u>0.00</u> 6d. \$ <u>0.00</u> 6e. \$ <u>0.00</u>
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Debtor 1 Abel Camacho

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Case number (if known)

			Total Claim
Total claims from Part 2	6f. Student loans	6f.	\$ 0.00
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g.	\$ 0.00
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h.	\$ 0.00
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i.	\$ 2,145,764.00
	6j. Total Nonpriority. Add lines 6f through 6i.	6j.	\$ 2,145,764.00

# EXHIBIT B

Audio Transcription:

**DEBTOR'S EXAMINATION (SECOND CALL)**

THE STATE OF CALIFORNIA, et al.

vs.

CALIFORNIA INTERSTATE EXPRESS, LTD., et al.



**I M A G I N E**  
R E P O R T I N G



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

THE STATE OF CALIFORNIA,  
ACTING BY AND THROUGH THE  
DEPARTMENT OF TRANSPORTATION,

Plaintiff,

vs.

Case No. 23CV032255

CALIFORNIA INTERSTATE EXPRESS,  
LTD.; ABEL CAMACHO; and DOES 1  
through 100, inclusive,

Defendants.

TRANSCRIPT OF AUDIO RECORDED DEBTOR'S EXAMINATION

(Second Call)

LYNDA T. BUI, Trustee

DEBORAH L. GOODMAN, ESQ. (State of California)

ALAN WILLIAMS, ESQ. (Abel Camacho)

Transcribed By:  
TERRI NESTORE  
CSR No. 5614, RPR, CRR

Debtor's Examination (Second Call)

1 MR. CAMACHO: Abel Camacho.

2 MR. WILLIAMS: Alan Williams, specially appearing  
3 for John Sarai, with the debtor Camacho.

4 (All testimony through the Spanish  
5 Interpreter unless otherwise indicated)

6 THE TRUSTEE: Okay, excellent. And we have  
7 Ms. Goodman's appearance earlier, and Felix, I want to  
8 remind you that you are still under oath.

9 Mr. Camacho, let's do this again, please. Raise  
10 your right hand. Do you solemnly swear that the testimony  
11 you're about to give is the truth, the whole truth, and  
12 nothing but the truth?

13 MR. CAMACHO: (In English) Yes.

14 THE INTERPRETER: So, ma'am, would you take for  
15 the answer or should I interpret that?

16 THE TRUSTEE: Just interpret for him, please.

17 MR. CAMACHO: Yes, I swear.

18 THE TRUSTEE: All right.

19 Q. Please state your name.

20 You can put your hand down.

21 A. Abel Camacho.

22 Q. Is your current home address on your bankruptcy  
23 petition?

24 A. Yes, correct.

25 Q. Are you currently employed?

Debtor's Examination (Second Call)

1 A. Yes.

2 Q. Is your employer address current on your  
3 schedule?

4 A. Yes.

5 Q. Okay. Did you read the bankruptcy information  
6 sheet?

7 A. Yes.

8 Q. Did you sign your petition schedule, statement of  
9 financial affairs and all of your bankruptcy documents?

10 THE INTERPRETER: Sorry, I missed something.

11 Your Honor, could you repeat one more time?

12 THE TRUSTEE: Sure.

13 Q. Did you sign your petition schedule, statement of  
14 financial affairs and all of your related bankruptcy  
15 documents?

16 A. Yes, I saw.

17 Q. Did you read them before you signed them?

18 A. Yes, I read everything, all the information.

19 Q. Are you person -- do you know what you put in the  
20 bankruptcy documents?

21 THE INTERPRETER: Ma'am, you're breaking up a  
22 little bit. Come again, ma'am?

23 BY THE TRUSTEE:

24 Q. Are you personally familiar or do you know what  
25 you put in the bankruptcy documents?

Debtor's Examination (Second Call)

1 A. Yes.

2 Q. Is the information that you put in the bankruptcy  
3 documents true and correct?

4 A. Yes, everything is correct.

5 Q. Did you -- are there any errors or admissions  
6 that you need to tell me about?

7 A. There's no error, ma'am.

8 Q. Did you identify all of your assets and  
9 everything that you have an interest in?

10 A. Yes.

11 Q. Did you list all of your creditors?

12 A. Yes.

13 Q. Have you filed for bankruptcy before?

14 A. Yes.

15 Q. Are you under any court order to make any spousal  
16 support or child support?

17 A. No.

18 Q. Did you provide to your attorney a true and  
19 correct copy of your last filed tax return, which is for  
20 year 2022?

21 A. Yes.

22 THE TRUSTEE: Counsel, is that the same one that  
23 was uploaded to our portal?

24 MR. WILLIAMS: Yes, it was.

25 TRUSTEE'S ASSISTANT: And for the record, Counsel

Debtor's Examination (Second Call)

1 has provided a declaration regarding the identification  
2 and Social Security number for the debtor, and they match  
3 that of the court's record.

4 THE TRUSTEE: All right.

5 Q. Mr. Camacho, tell me about the litigation against  
6 you and the judgment.

7 THE INTERPRETER: Sorry, ma'am, once again.

8 One more time, sorry.

9 THE TRUSTEE: Yes.

10 Q. Mr. Camacho, tell me about the lawsuit against  
11 you. And I believe the judgment -- is there a judgment?

12 MS. GOODMAN: There's no judgment.

13 THE TRUSTEE: Okay.

14 Q. So Mr. Camacho, tell me about the lawsuit against  
15 you.

16 A. So, well -- I mean, there was an accident. It  
17 was as a result of the accident which occurred on 20th of  
18 June, somewhere in 2020 in California.

19 That was basically what transpired.

20 Q. Okay. What happened with the accident? Were you  
21 driving a vehicle? Did someone run into you or did you  
22 run into somebody? And what was the extent of injuries of  
23 the parties involved?

24 THE TRUSTEE: Felix? Felix, I can't hear  
25 anything. Are you...

Debtor's Examination (Second Call)

1 MR. WILLIAMS: Felix, are you there?

2 I don't hear him either.

3 THE TRUSTEE: So maybe there's a disconnection of  
4 some sort or audio. Felix, can you hear us?

5 (In English, without the Interpreter.)

6 MR. CAMACHO: I believe I can -- I can --

7 THE TRUSTEE: Oh, okay. You believe you can do  
8 this in English? Okay.

9 MR. CAMACHO: Yes, yes.

10 THE TRUSTEE: Go ahead.

11 MR. CAMACHO: Don't need the interpreter.

12 THE TRUSTEE: Okay. All right, excellent.

13 Q. So can you tell me about the accident, in  
14 English, what you just said in Spanish?

15 A. I was driving a big rig. At the moment I was  
16 driving, it was about 11:00 a.m., and I had my load that I  
17 had on the trailer was kind of high. I was exceeded on  
18 the limit of the height of the cargo. So when I went  
19 through under the bridge, I damaged the bridge in Hayward,  
20 California.

21 And for that reason, the Department of  
22 Transportation of California is suing me and the company  
23 that at the moment I was working with.

24 Q. Okay. All right.

25 And was there damages to the bridge?

Debtor's Examination (Second Call)

1 A. Yes. Yes. Concrete debris all over the place.

2 There are damage -- I have had damages of some  
3 cars on my sides and behind, but I didn't hit nobody with  
4 my own vehicle -- I mean the truck, I didn't hit nobody,  
5 it's only the debris that spill all over the highway,  
6 damage some bodies of cars.

7 THE TRUSTEE: Okay. All right.

8 Ms. Goodman, this is probably a good segue to  
9 turn the floor over to you.

10 Do you have questions of the debtor?

11 MS. GOODMAN: Yes, thank you, Trustee.

12 Q. Mr. Camacho, were you insured at the time?

13 A. Yes. Yes, we do. The company -- I was -- I was  
14 a company driver and yes, we had a -- well, we still  
15 probably have insurance.

16 Q. What about you individually, did you have  
17 insurance for that incident?

18 A. My own cars, yes.

19 Q. Can you provide that information to the trustee?  
20 It's not on your bankruptcy petition.

21 A. Yes, of course.

22 MR. WILLIAMS: -- do you want?

23 MS. GOODMAN: I'm sorry, Mr. Williams, you were  
24 cut off in the beginning there.

25 MR. WILLIAMS: What exactly do you want?

Debtor's Examination (Second Call)

1 MS. GOODMAN: The auto insurance information.

2 Q. And do you have an agreement with your employer  
3 at the time for indemnification?

4 A. Well, what do you mean with "agreement"?

5 Q. Has your employer promised to indemnify you for  
6 the damages?

7 A. Yes, but I believe the policy is only 1 million  
8 and we've been sued by 2 million -- more than 2 million.

9 That is the reason that I applied for bankruptcy  
10 because I ain't going to have that kind of money. Company  
11 might pay 1 million, but the other million, who will pay?

12 Myself, I do not have that kind of money.

13 Q. So to clarify, there is an agreement between you  
14 and your employer at that time -- who I understand to be  
15 California Interstate Express -- that they will pay for  
16 any damages you incur in that lawsuit; is that correct?

17 A. Yes.

18 MS. GOODMAN: Trustee, that does not appear to be  
19 disclosed in the bankruptcy petition as well. If  
20 Mr. Williams could provide that, we would appreciate it.

21 MR. WILLIAMS: Provide what?

22 MS. GOODMAN: Any documentation as to that  
23 agreement to indemnify Mr. Camacho.

24 MR. WILLIAMS: Where would that go in the  
25 petition? That's an asset? A debt?



Debtor's Examination (Second Call)

1 MS. GOODMAN: It's an asset. It's an  
2 indemnification agreement, just like insurance, and it's a  
3 potential claim that Mr. Camacho could bring if the  
4 employer does not live up to that agreement.

5 MR. WILLIAMS: I will inform Mr. Sarai.

6 MS. GOODMAN: Thank you. That's the end of my  
7 questioning. Thank you, Trustee.

8 THE TRUSTEE: You're welcome.

9 Okay, so we are going to continue this for two  
10 reasons: For Mr. Camacho to please provide a copy of the  
11 auto insurance, and any contract or information related to  
12 the indemnity claim.

13 And Counsel, I would imagine it would be an AB  
14 and the catchall provision.

15 MR. WILLIAMS: Okay.

16 THE TRUSTEE: Unless Ms. Goodman thinks it should  
17 be somewhere else, but I think that's probably where it  
18 best can -- we can put this.

19 The continued date, Spencer, will be what,  
20 please? This will be --

21 TRUSTEE'S ASSISTANT: We can do -- well, no  
22 appearances are for 9/14, but there's nothing listed. I  
23 have no asset stuff, but this could be an asset. We can  
24 do 9/14, I suppose, probably 3:00 o'clock, and then if an  
25 appearance is required, we can bump it up.

Debtor's Examination (Second Call)

1 THE TRUSTEE: Okay, let me see.

2 Are you looking at Tanya's sheet?

3 TRUSTEE'S ASSISTANT: I'm looking at the email  
4 she sent us, not the sheet itself.

5 THE TRUSTEE: Okay, let me look at the... For  
6 some reason, my connection is not very good. Let me see.

7 TRUSTEE'S ASSISTANT: All right, continuing  
8 dates. Let's see. Potential asset case is 9/14 at  
9 2:00 o'clock.

10 THE TRUSTEE: Okay.

11 MR. WILLIAMS: So 9/14 at 2:00 o'clock?

12 THE TRUSTEE: Hold on. Ms. Goodman, do you think  
13 you need further testimony?

14 MS. GOODMAN: Yes, perhaps.

15 THE TRUSTEE: Okay. All right.

16 So yes, let's do 9/14/23 at 2:00 p.m., and we  
17 post it on our website two business days before if an  
18 appearance is necessary, Counsel.

19 And Ms. Goodman, feel free to reach out to my  
20 office if you have specific questions or any other  
21 thoughts, okay? Or information.

22 MS. GOODMAN: I will, thank you.

23 THE TRUSTEE: Thank you.

24 All right. Will you both waive notice?

25 MR. WILLIAMS: Yes.

Debtor's Examination (Second Call)

1 MS. GOODMAN: Yes.

2 THE TRUSTEE: Thank you. All right.

3 Mr. Camacho, please get us the documents.

4 Thank you.

5 (End of recording.)

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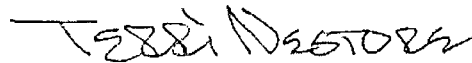
Debtor's Examination (Second Call)

C E R T I F I C A T E

I, TERRI NESTORE, Certified Shorthand Reporter/  
Transcriptionist, do hereby certify that I was authorized  
to transcribe the foregoing recorded proceeding, and that  
the transcript is a true and accurate transcription of my  
shorthand notes, to the best of my ability, taken while  
listening to the provided recording.

I further certify that I am not of counsel or  
attorney for either or any of the parties to said  
proceedings, nor in any way interested in the events of  
this cause, and that I am not related to any of the  
parties thereto.

Dated this 25th day of September, 2023.



TERRI NESTORE, CSR 5614, RPR, CRR

Debtor's Examination (Second Call)

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Debtor's Examination (Second Call)

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# EXHIBIT C

POS-010

<small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)</small> Deborah L. Goodman, Deputy Attorney General (SBN 276259) HOLBROOK, MONTOYA, DADAIAN, SOLARES, DEL RIVO, BOWMAN 111 Grand Avenue, Suite 11-100, Oakland, CA 94323  <small>TELEPHONE NO., (510) 433-9100   FAX NO (510) 433-9167   E-MAIL ADDRESS</small> <small>ATTORNEY FOR (Name): Plaintiff STATE OF CALIFORNIA ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION</small>		<small>FOR COURT USE ONLY</small>  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of Alameda <b>06/06/2023 at 05:18:09 PM</b> By: Curtiyah Ganter, Deputy Clerk
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA</b>  STREET ADDRESS: 24405 Amador Street CITY AND ZIP CODE: Hayward, CA 94544 BRANCH NAME: HAYWARD HALL OF JUSTICE		
PLAINTIFF/PETITIONER: THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION DEFENDANT/RESPONDENT: CALIFORNIA INTERSTATE EXPRESS, LTD, et al.		CASE NUMBER: 23CV032255
<b>PROOF OF SERVICE OF SUMMONS</b>		Ref. No. or File No.: 2188970AS

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ Summons
  - b. ☒ Complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet
  - e. ☐ Cross-Complaint
  - f. ☒ other (specify documents): **Notice of Case Management Conference; Certificate of Mailing; Notice of Case Assignment**
3. a. Party served (specify name of party as shown on documents served):  
**ABEL CAMACHO**  
  
b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: **11261 Perris Boulevard  
Moreno Valley, CA 92557**
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - b. ☒ **by substituted service.** On (date): **5/25/2023** at (time): **6:26 PM** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):  
**"Jane Doe", Co-Occupant**  
Age: 30's | Weight: 195 lbs. | Hair: Black/Brown | Sex: Female | Height: 5' 6" | Eyes: Brown | Race: Hispanic
  - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
  - (2) ☒ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
  - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
  - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): **5/26/2023** from (city): **LOS ANGELES** or ☐ a declaration of mailing is attached.
  - (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.



Plaintiff: THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF  
TRANSPORTATION

CASE NUMBER:

Defendant: CALIFORNIA INTERSTATE EXPRESS, LTD, et al.

23CV032255

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. Person who served papers

- a. Name: **John Llamas - Ace Attorney Service, Inc.**
- b. Address: **811 Wilshire Boulevard, Suite 900 Los Angeles, CA 90017**
- c. Telephone number: **(213) 623-3979**
- d. The fee for service was: **\$ 165.44**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☒ employee ☐ independent contractor.
- (ii) Registration No.: **PS-1899**
- (iii) County: **RIVERSIDE**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **6/3/2023**

**John Llamas**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(Signature - Per CC §1633.7)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar No., and address) Deborah L. Goodman, Deputy Attorney General (SBN 276259) HOLBROOK, MONTOYA, DADAIAN, SOLARES, DEL RIVO, BOWMAN 111 Grand Avenue, Suite 11-100, Oakland, CA 94323  TELEPHONE NO.: (510) 433-9100   FAX NO. (510) 433-9167   E-MAIL ADDRESS ATTORNEY FOR (Name): Plaintiff, STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION		FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA</b>  STREET ADDRESS: 24405 Amador Street  MAILING ADDRESS:  CITY AND ZIP CODE: Hayward, CA 94544  BRANCH NAME: HAYWARD HALL OF JUSTICE		
PLAINTIFF/PETITIONER: THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION DEFENDANT/RESPONDENT: CALIFORNIA INTERSTATE EXPRESS, LTD, et al.		CASE NUMBER:  23CV032255
<b>DECLARATION OF DILIGENCE</b>		Ref. No. or File No.: 2188970AS

I am and was on the dates herein mentioned, over the age of 18 years and not a party to the action. I received the within process on and after due diligent efforts, I have been unable to effect personal service of the following documents on the within named: Documents:

**Summons; Complaint; Civil Case Cover Sheet (served in complex cases only); Notice of Case Management Conference; Certificate of Mailing; Notice of Case Assignment**

Date	Time	Location	Results
5/23/2023	6:01 PM	Home	I arrived at the address given for service of process. I knocked on the door but received no response. The lights were on inside the kitchen but there was no activity detected. - John Llamas 11261 Perris Boulevard, Moreno Valley, CA 92557
5/24/2023	7:29 PM	Home	I arrived at the address given for service of process. The lights were on inside the garage. I knocked on the door but received no response. - John Llamas 11261 Perris Boulevard, Moreno Valley, CA 92557
5/26/2023	6:26 PM	Home	Substituted service on: ABEL CAMACHO; 11261 Perris Boulevard, Moreno Valley, CA 92557; by serving: "Jane Doe", Co-Occupant, Hispanic Female 30's 195 lbs. Black/Brown 5' 6" Brown.
5/26/2023			Mailed copy of documents to: ABEL CAMACHO. 11261 Perris Boulevard, Moreno Valley, CA 92557

Process Server for:

Ace Attorney Service, Inc.  
811 Wilshire Boulevard, Suite 900  
Los Angeles, CA 90017  
(213) 623-3979

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 3, 2023.

Signature: \_\_\_\_\_

**John Llamas**

**AFFIDAVIT OF REASONABLE DILIGENCE**

Order#: 2188970

# EXHIBIT D

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Alameda

**05/01/2023 at 03:24:32 PM**

By: Darnekia Oliver,  
Deputy Clerk

1 ERIN HOLBROOK, Chief Counsel  
2 G. MICHAEL HARRINGTON, Deputy Chief Counsel  
3 SAMUEL C. LAW, Assistant Chief Counsel  
4 DEBORAH L. GOODMAN, Deputy Attorney (SBN 276259)  
5 California Department of Transportation – Legal  
111 Grand Avenue, Suite 11-100, Oakland, CA 94612  
6 **Mail To: P.O. Box 24325, Oakland, CA 94623-1325**  
Telephone: (510) 433-9100, Facsimile: (510) 433-9167  
7 Email: [Deborah.Goodman@dot.ca.gov](mailto:Deborah.Goodman@dot.ca.gov)

NO FEE PURSUANT TO GOV'T CODE § 6103

8 Attorneys for Plaintiff STATE OF CALIFORNIA,  
9 acting by and through the DEPARTMENT OF TRANSPORTATION

10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF ALAMEDA

13 THE STATE OF CALIFORNIA, ACTING BY  
14 AND THROUGH THE DEPARTMENT OF  
15 TRANSPORTATION

16 Plaintiff,

17 vs.

18 CALIFORNIA INTERSTATE EXPRESS, LTD,  
19 ABEL CAMACHO, and DOES 1 through 100  
20 inclusive;

21 Defendants.

Case No. 23CV032255

**COMPLAINT FOR DAMAGES:**

1) NEGLIGENCE

2) NEGLIGENCE – VICARIOUS  
LIABILITY

3) DAMAGE TO HIGHWAY

22 Plaintiff STATE OF CALIFORNIA, acting by and through the DEPARTMENT OF  
23 TRANSPORTATION, alleges as follows:

24 1. Plaintiff, STATE OF CALIFORNIA (STATE), is a public entity, duly organized and  
25 existing under the laws of the State of California.

26 2. Defendant, CALIFORNIA INTERSTATE EXPRESS, LTD is and at all times  
27 mentioned herein was, a business entity doing business in the County of Alameda, State of  
28 California.

3. Defendant, ABEL CAMACHO is and at all times mentioned herein, was employed  
by Defendant CALIFORNIA INTERSTATE EXPRESS, LTD.

///

CALIFORNIA DEPARTMENT OF TRANSPORTATION - LEGAL DIVISION  
111 Grand Avenue, Suite 11-100, Oakland, CA 95612  
Telephone: (510) 433-9100, Facsimile: (510) 433-9167

1           4.       The true names and capacities, whether corporate, associate, individual, or otherwise  
2 of defendants, sued herein as DOES 1 through 100 inclusive, are unknown to the STATE, and are,  
3 therefore, fictitious; that the STATE desires to be allowed, when the true names of said defendants  
4 are ascertained, to insert the same herein and in all subsequent pleadings in this matter with the same  
5 force and effect as if the same had been correctly, properly, and truly written in the first instance.

6           5.       The STATE is informed and believes, and upon such information and belief, alleges  
7 that the defendants sued herein as DOES 1 through 100 inclusive, and each of them, were and in  
8 some manner are, legally, negligently, statutorily, vicariously, or strictly liable in tort, or legally  
9 responsible in some manner for the events and happenings herein referred to and negligently or  
10 otherwise caused injuries and damages proximately to the STATE as hereinafter alleged.

11           6.       At all times mentioned herein, each of the defendants was the agent, servant, partner,  
12 joint venture, franchisee, or employee of each of the other defendants and in doing the things herein  
13 mentioned, were acting in the course and scope of the authority of said agency, employment, service,  
14 partnership, joint venture, or franchise, with the permission and consent of their co-defendant.

15           7.       At all times mentioned herein, Defendant CALIFORNIA INTERSTATE EXPRESS,  
16 LTD. and DOES 1 through 50 inclusive and each of them, were the owners of a 2014 Kenworth T680  
17 Truck (license # XP29079 "Truck") and a 2020 Bens 524A Trailer (license # BU7642 "Trailer"). On  
18 or around June 1, 2020, the truck, trailer, or items in them struck and damaged portions of the  
19 Industrial Parkway overcrossing ("Bridge") while traveling northbound on U.S. Interstate 880 in  
20 Hayward, California, causing concrete debris to fall on the roadway and exposing interior cables.

21           8.       At the time of the subject accident, Defendant CALIFORNIA INTERSTATE  
22 EXPRESS, LTD. owned and operated said truck and trailer.

23           9.       Defendant ABEL CAMACHO operated said truck and trailer on June 1, 2020 in the  
24 course and scope of his employment with CALIFORNIA INTERSTATE EXPRESS, LTD., and  
25 DOES 1 through 50.

26           10.      At all times mentioned herein, Defendant ABEL CAMACHO was driving the truck  
27 and trailer with the knowledge, permission, and consent of CALIFORNIA INTERSTATE  
28 EXPRESS, LTD. and DOES 1 through 50.

11. At all times mentioned herein, the Bridge was owned by the STATE and located in the County of Alameda.

12. As a direct and proximate result of the conduct of Defendants alleged in these pleadings, the truck and trailer or items in them struck the Bridge. Defendants' conduct caused significant damage to the Bridge, requiring immediate and critical repairs.

13. As a result of the damage to the Bridge, the STATE is entitled to damages in an amount yet to be proven at trial and believed to be at least \$2,135,909.00.

**FIRST CAUSE OF ACTION**

**NEGLIGENCE**

**(As to Defendants CALIFORNIA INTERSTATE EXPRESS, LTD., ABEL CAMACHO, and  
DOES 1 to 50)**

14. The State hereby adopts and incorporates by reference Paragraphs 1 through 12, inclusive of the general allegations of this complaint and make them a part of the instant cause of action as though fully set forth herein.

15. On or about June 1, 2020, Defendant ABEL CAMACHO was operating the 2014 Kenworth Truck pulling the 2020 Bens Trailer identified on U.S. Interstate 880.

16. Defendant ABEL CAMACHO owed a duty to use reasonable care while operating the Truck and Trailer so as to avoid harming others or others' property.

17. Defendant ABEL CMACHO breached that duty by causing the Truck, Trailer or items in the Trailer to hit the Bridge and damage it.

18. Defendant ABEL CAMACHO negligently drove the Truck and Trailer, causing the vehicle to collide with portions of the Bridge, damaging the Bridge and its components.

19. Defendant ABEL CAMACHO negligently drove the Truck and Trailer, causing damage to the State.

20. Defendants CALIFORNIA INTERSTATE EXPRESS, LTD. and DOES 1 through 50, inclusive, and each of them, negligently failed to properly train and document training for Defendant ABEL CAMACHO as required.

///

21. Defendant CALIFORNIA INTERSTATE EXPRESS, LTD. and DOES 1 through 50, negligently failed to inspect the 2014 Kenworth Truck Peterbilt Tractor Truck pulling the 2020 Bens Trailer as required.

22. Defendants CALIFORNIA INTERSTATE EXPRESS, LTD., ABEL CAMACHO, and DOES 1-50 negligently failed to properly inspect the Truck or Trailer's cargo to ensure it would not exceed the maximum allowable height.

23. Defendants CALIFORNIA INTERSTATE EXPRESS, LTD., ABEL CAMACHO, and DOES 1-50 negligently loaded the items onto the trailer.

24. Defendants CALIFORNIA INTERSTATE EXPRESS, LTD., ABEL CAMACHO, and DOES 1-50 negligently secured the items to the trailer.

25. The negligence of Defendants was the direct and proximate cause of all damages suffered by the State.

### **SECOND CAUSE OF ACTION**

#### **NEGLIGENCE – VICARIOUS LIABILITY**

**(As to Defendants CALIFORNIA INTERSTATE EXPRESS, LTD. and DOES 1 to 50)**

26. The State hereby adopts and incorporates by reference Paragraphs 1 through 24, above and make them a part of the instant cause of action as though fully set forth herein.

27. Defendants CALIFORNIA INTERSTATE EXPRESS, LTD. and DOES 1 through 50, inclusive, and each of them permitted, allowed, caused and directed Defendant ABEL CAMACHO to operate the 2014 Kenworth Truck pulling the 2020 Bens Trailer involved in the accident of June 1, 2020.

28. Defendant ABEL CAMACHO was acting within the course and scope of his employment relationship with Defendants CALIFORNIA INTERSTATE EXPRESS, LTD. and DOES 1 through 50, inclusive, and each of them when he caused damage to the STATE.

29. Defendants CALIFORNIA INTERSTATE EXPRESS, LTD. and DOES 1 through 50 inclusive, are vicariously liable for the negligent acts of Defendant ABEL CAMACHO set forth above.

///

**THIRD CAUSE OF ACTION**

**DAMAGE TO HIGHWAY (Streets & Highways Code § 730)**

**(As to all Defendants)**

30. The State hereby adopts and incorporates herein by reference Paragraphs 1 through 28 above and make them a part of the instant cause of action as though fully set forth herein.

31. Defendants ABEL CAMACHO, CALIFORNIA INTERSTATE EXPRESS, LTD., and DOES 1 through 100, inclusive, caused damage to the Bridge on Interstate 880. As a result of the damage caused by the defendants, the State was forced to spend money to repair the Bridge.


32. The State has incurred and continues to incur costs and expenses in bringing this action, which are recoverable under Streets and Highways Code section 730 et seq. and California Vehicle Code section 17300 et seq.

**WHEREFORE**, the Plaintiff, STATE OF CALIFORNIA, prays for judgment against defendants, and each of them, as follows:

1. Compensatory damages of at least \$2,135,909.00;
2. Property damage, loss of use of property and related transportation costs in an amount according to proof;
3. For interest as allowed and provided by law;
4. For costs of suit and expenses incurred herein; and
5. For such other and further relief as the court may deem just and proper.

DATED: April 28, 2023

ERIN HOLBROOK  
G. MICHAEL HARRINGTON  
SAMUEL C. LAW  
DEBORAH L. GOODMAN

By:   
DEBORAH L. GOODMAN  
Attorneys for Defendants STATE OF  
CALIFORNIA, acting by and through the  
DEPARTMENT OF TRANSPORTATION